

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Order No. R1-2007-0003
Mandatory Minimum Penalties

For

Violations of Waste Discharge Requirements
Order Nos. 95-83 and R1-2001-59
WDID NO. 1B80081OHUM
NPDES No. CA0023671

In the Matter of

Loleta Community Services District
Wastewater Treatment Facility

Humboldt County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), having received from the Loleta Community Services District (hereinafter Discharger) a waiver of the right to a hearing in the matter of mandatory minimum penalties pursuant to Water Code section 13385, subdivisions (h) and (i) for failure to meet mandatory effluent limitations as required by Waste Discharge Requirements Order Nos. 95-83 and R1-2001-59 and their associated monitoring and reporting programs, and having received the Discharger's request for the opportunity to implement a Compliance Project in lieu of a portion of the penalty prescribed, finds the following:

1. The Discharger owns and operates wastewater collection, treatment, and disposal facilities (WWTF) that serve the community of Loleta in northern Humboldt County. The WWTF provides secondary treatment and disinfection of effluent with discharge to an evaporation/percolation pond which overflows to the Eel River during the winter wet period.
2. The Regional Water Board adopted Waste Discharge Requirements for the Discharger, Order No. 95-83, on October 26, 1995 and renewed the Order as Order No. R1-2001-59 on June 28, 2001. The Order also serves as a National Pollutant Discharge Elimination System (NPDES) Permit No. CA0023671.
3. Among the provisions in the Discharger's waste discharge requirements are the requirements to implement a discharge monitoring program and to prepare and submit NPDES self-monitoring reports to the Regional Water Board pursuant to the authority of Water Code section 13383.

4. According to monitoring reports submitted by the Discharger, the Discharger exceeded effluent limitations 91 times during the period from January 1, 2000 through April 30, 2005.
5. Water Code section 13385, subdivisions (h) and (i) require the Regional Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious and chronic violation. Water Code section 13385, subdivision (k) allows the Regional Water Board to direct all or a portion of the penalty toward a Compliance Project (CP) in accordance with Section X of the State Water Resources Control Board's Water Quality Enforcement Policy (Enforcement Policy).
6. On March 16, 2006, the Executive Officer issued Administrative Civil Liability Complaint No. R1-2006-0023 assessing a mandatory minimum penalty of \$225,000 for effluent violations as described in Finding No. 4 above. On April 21, 2006, the Discharger waived its right to a public hearing and requested to pay the sum of \$10,000 to the State Water Pollution Cleanup and Abatement Account (CAA) and spend the remaining sum of \$215,000 on a CP. The Discharger is paying the \$10,000 in three payments, the first of which was made on August 14, 2006 in the amount of \$3,400. The remaining payments of \$3,300 each will occur in February 2007 and August 2007.
7. The CP as proposed includes work completed to date and future commitments to facility improvements. Total cost of the proposed CP is in excess of \$215,000. The projects completed to date cost the Discharger \$118,706 and include:

- Improvements to the chlorine disinfection distribution system
- Modifications to the chlorine contact basin
- Installation of a new alarm system
- Installation of an emergency generator.

Planned expenditures over the next four years will concentrate on improvements to the collection system to minimize infiltration and inflow during the winter months as follows:

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| 2006/2007 | \$24,000 for pipe repair and smoke testing. |
| 2007/2008 | \$24,000 for smoke testing and infiltration repairs. |
| 2008/2009 | \$34,000 for sewer flow studies, smoke testing, and infiltration repairs. |
| 2009/2010 | \$22,000 for smoke testing and infiltration repairs. |

8. A duly noticed public hearing on this matter was held before the Regional Water Board during a public meeting on February 8, 2007, in Santa Rosa, California. The documents for the agenda item were provided to the

Discharger prior to the hearing and the Discharger was given the opportunity to testify and present evidence. The public was given an opportunity to comment.

9. At the hearing, the Regional Water Board considered whether to affirm, reject or modify the proposed Administrative Civil Liability Complaint and any other action appropriate as a result of the hearing.
10. The Regional Water Board finds that the CP, as proposed, meets the criteria established in the State Water Resources Control Board's Enforcement Policy.
11. The issuance of this Order is an enforcement action to protect the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, §§ 21000-21177) pursuant to title 14, California Code of Regulations, sections 15308 and 15321, subdivision (a)(2).
12. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review the action in accordance with section 13320 of the Water Code and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Resources Control Board within thirty days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED pursuant to Water Code section 13385 that:

1. The Discharger shall be assessed the mandatory minimum penalty in the amount of \$225,000. The Discharger is paying the sum of \$10,000 in three installments into the State Water Pollution Cleanup and Abatement Account to cover a portion of staff costs. The remaining sum of \$215,000 is eligible to be permanently suspended upon satisfactory completion of the CP as described in Attachment A of this Order. The CP meets the criteria established in the Enforcement Policy, and construction has been completed for four of the tasks as described in Finding No. 7 above. The Discharger shall submit progress reports describing the actual work:

| DATE | TASK |
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| Calendar year 2006, Submit report as part of the annual report required for the Wastewater Treatment Plant, no later than February 28, 2007. | Describe in detail all work performed as part of the CP, include accounting of expenditures related to the CP. |
| Calendar year 2007, Submit report as part of the annual report | Describe in detail all work performed as part of the CP, include accounting of |

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| required for the Wastewater Treatment Plant, no later than February 28, 2008. | expenditures related to the CP. |
| Calendar year 2008, Submit report as part of the annual report required for the Wastewater Treatment Plant, no later than February 28, 2009. | Describe in detail all work performed as part of the CP, include accounting of expenditures related to the CP. |
| Calendar year 2009, Submit report as part of the annual report required for the Wastewater Treatment Plant, no later than February 28, 2010. | Describe in detail all work performed as part of the CP, include accounting of expenditures related to the CP. |
| Calendar year 2010, Submit report no more than 60 days from the completion of the CP, in no event later than February 28, 2011. | The CP must be complete. Prepare a final report certifying completion of the CP and an overall evaluation of the CP. Include data showing that the CP achieved its intended objectives and goals. Include a post project accounting of all expenditures with proof of payment. |

2. If, after being given written justification from the Discharger, the Executive Officer determines that a delay in the CP implementation schedule was beyond the reasonable control of the Discharger, the Executive Officer may revise the implementation schedule as appropriate. Written justification must be received by the Executive Officer before the specific due date occurs, must describe circumstances causing the delay, and must state when each task of the CP will be completed.
3. The penalty amount of \$215,000 shall be permanently suspended if the Executive Officer determines that the Discharger completes the CP and provides the Regional Water Board with the scheduled progress reports toward completion of the CP and the final report as described in paragraph (1.) above. If the Discharger fails to adequately complete the approved CP or fails to complete any of the above-described tasks by the corresponding due dates, the Executive Officer may require immediate payment of the suspended liability to the Cleanup and Abatement Account.
4. The Discharger shall pay \$6,600 into the State Water Pollution Cleanup and Abatement Account in two installments of \$3,300 each. The first installment is due by February 28, 2007 and the second by August 31, 2007. Checks shall be made out to the State Water Resources Control Board and mailed to the Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403. Each payment shall be referenced to this Order.

5. Notwithstanding the issuance of this Order, the Regional Water Board shall retain continuing jurisdiction to determine compliance with the terms of the suspended penalty provisions above, as well as the authority to assess additional penalties for other violations of the Discharger's Waste Discharge Requirements.

Certification

I, Catherine E. Kuhlman, Executive Officer,
do hereby certify that the foregoing is a full, true,
and correct copy of an Order adopted by the
California Regional Water Quality Control Board, North Coast Region
on February 8, 2007

Catherine E. Kuhlman
Executive Officer